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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,058	08/19/2004	Jerry Smith	27475/06407	5057
24024	7590	04/18/2006	EXAMINER	
CALFEE HALTER & GRISWOLD, LLP 800 SUPERIOR AVENUE SUITE 1400 CLEVELAND, OH 44114			GALL, LLOYD A	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/711,058	<b>Applicant(s)</b> SMITH ET AL.	
	<b>Examiner</b> Lloyd A. Gall	<b>Art Unit</b> 3676	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-8,10,12,13,16-20 and 22-25 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,10,12,13,16-20 and 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/19/04; 1/11/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The disclosure is objected to because of the following informalities: In paragraph 0015, it appears that "a side" should read --an end--.

Appropriate correction is required.

The drawings are objected to because reference numeral 70 (paragraph 0037, line 5) cannot be located, nor is the signal disk. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 20 and 22 are objected to because of the following informalities: In claim 20, line 1, --at least-- should follow "said". Claim 22 is objected to, since it is identical to

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claim 10, and it is not clear which claim it is intended to depend from. Claim 22 will currently be assumed to depend from claim 13. Appropriate correction is required.

Applicant should also note that the CN 2152033 reference listed on the 1449/PTO filed on November 19, 2004 has not been considered, as a copy of the reference was not received.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-6, 13 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Young (421).

Young teaches an operating device capable of use with a deadbolt, including a shaft 23, a shaft housing 13 having an opening to receive the shaft, depressions 88 in the shaft, and protrusions defined by the slot 91 of the slide 90 which engage the depressions 88. The device also includes a knob 11 and a key lock cylinder 36, and the up and down position of the thumb piece 93 of the slide 90 provides an indication mechanism of the condition of the device. With respect to claim 13, depressions 88 and the protrusions define the claimed "assembly".

Claims 13 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nicolin et al.

Nicolin teaches an operating device capable of use with a deadbolt, including an assembly 41, 26 that can be engaged to prevent operation of a locking mechanism bolt,

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and the vertically extending position of the knob (K) in figure 6 defines an indication mechanism of the condition of the device. The device also includes a key lock cylinder 17.

Claims 13 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hart (940).

Hart teaches an operating device as seen in figs. 11-17 capable of use with a deadbolt, including an assembly which can be engaged and an indication mechanism defined by the position/orientation of the knob 120, a key lock cylinder on the other side of the door, a shaft (126, 122), a housing 125 having an opening for the shaft, protrusions defined by the ends of the pin 128, depressions 132 and/or 134 in the collar 130, wherein the engagement between the protrusions and depressions may prevent operation of a deadbolt (column 7, lines 44-61).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-6, 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hart (940) in view of Humphrey et al (090) or Moses (361).

Hart teaches an operating device as seen in figs. 11-17 capable of use with a deadbolt, including an assembly which can be engaged and an indication mechanism defined by the position/orientation of the knob 120, a key lock cylinder on the other side of the door, a shaft (126), a head portion 122, a housing 125 having an opening for the shaft,

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protrusions defined by the ends of the pin 128, depressions 132 and/or 134 in the collar 130, wherein the engagement between the protrusions and depressions may prevent operation of a deadbolt (column 7, lines 44-61). Humphrey teaches a depression 44, 46 in a shaft to receive a protrusion 40. Moses teaches a depression 37 in a shaft to receive a protrusion 13. It would have been obvious to modify the collar of Hart to include protrusions to engage depressions in the shaft, in view of the teaching of either Humphrey et al or Moses, as an obvious reversal of parts, the motivation being that the collar of Hart would not be weakened by the depressions therein.

Claims 7, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hart in view of Humphrey et al and Moses as applied to claims 4 and 16 above, and further in view of LaLonde (711).

LaLonde teaches a key lock used with a combination dial lock 41 on the same side of the door. It would have been obvious to substitute a key and combination lock for the key lock of Hart, in view of the teaching of LaLonde, the motivation being to provide two types of actuation which may be used with a deadbolt, as is well known in the lock art.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hart in view of Neary (901).

The shaft 122, 126 of Hart moves outwardly of the door as seen in figure 14. Neary teaches that an outwardly projecting member 99 in figure 16 may have colors on the button 99 to serve as an indication device (column 5, lines 37-66). It would have been obvious to provide a color indicator on the outwardly projection shaft of Hart, in view of



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the teaching of Neary, the motivation being to alert an individual of the locking condition of the door, as is well known in the lock art.

Claims 8, 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hart in view of Humphrey et al or Moses as applied to claims 1 and 23 above, and further in view of Neary.

Neary teaches a color indicator as set forth in the previous paragraph. It would have been obvious to provide a color indicator on the shaft of Hart, in view of the teaching of Neary, the motivation being to alert an individual of the locking condition of the door, as is well known in the lock art.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hart in view of either Humphrey et al or Moses, and Neary.

All of the references have been described in the previous paragraphs. It would have been obvious to modify the collar of Hart to include protrusions to engage depressions in the shaft, in view of the teaching of either Humphrey et al or Moses, as an obvious reversal of parts, the motivation being that the collar would not be weakened by its depressions. It would have been obvious to provide a color indicator on the outwardly projecting shaft of Hart, in view of the teaching of Neary, the motivation being to alert an individual of the locking condition of the door, as is well known in the lock art.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

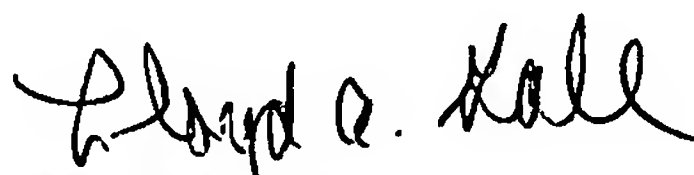
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG  
April 13, 2006

  
Lloyd A. Gall  
Primary Examiner